



# KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

## 5.2.4 CONFLICT OF COMMITMENT AND INTEREST

### 1. Policy

#### **PURPOSE:**

In pursuit of its mission as a public, comprehensive, historically black land-grant university, Kentucky State University is committed to advancing the Commonwealth of Kentucky, enhancing society, and impacting individuals by providing quality teaching with a foundation in liberal studies, scholarly research, and public service to enable productive lives within the diverse global economy. Accomplishment of its missions inevitably leads to increasingly close relationships between Kentucky State University and those with outside interests in the broader community, including financial interests. The benefits that potentially accrue from this proximity are accompanied by real or apparent risks that external interests might compromise University decisions by influencing the judgment of the Institution or one of its members. When the application or use of University time or resources results in inappropriate personal advantage, or is detrimental to the University's mission, that use of time or resources represents a conflict between one's interest and that of the University.

To guard against these external influences, the University has put procedures in place to identify and address institutional conflicts of interest and commitment, as defined herein. These procedures are not intended to discourage research, creative activity, or scholarship. This Policy establishes standards and requirements to protect the financial well-being, reputation, and legal obligations of the University. Furthermore, this Policy establishes procedures to protect the University community from questionable circumstances that might arise and to resolve any apparent or real conflicts.

#### **APPLICABILITY:**

This policy applies to all employees

#### **POLICY STATEMENT:**

Employees have a primary professional obligation to act in the best interests of Kentucky State University in accordance with the highest legal, ethical, and moral standards. Kentucky State University employees are expected to adhere to the Ethical Principles and Code of Conduct, including the stated conduct governing conflicts of interest and commitment.

#### **A. Conflict of Commitment**

Conflicts of commitment occur when the time or effort that the employee devotes to external activities interferes with the employee's fulfillment of assigned university responsibilities, or when the employee makes unauthorized use of university resources in the course of an external activity. Employees are expected to devote their primary professional loyalty, time, and energy to Kentucky State University teaching, research and service endeavors; activities outside the



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University must be conducted without detracting from these primary commitments.

Attempts to balance University responsibilities with outside activities – such as consulting, government service, public service, or pro bono work – can result in conflicts regarding allocation of time and energy.

Employees intending to engage in an external activity that involves significant effort outside of the University and that may present a Conflict of Commitment must complete a Conflict of Commitment and Interest Disclosure Form [Outside Employment Form] and have written approval from the respective area Vice President. Individuals may be required to take a leave of absence from the University to proceed with the external activity at the discretion of the supervisor.

## **B. Conflict of Interest**

Conflict of Interest occurs when a set of circumstances create a risk that professional judgment or actions regarding a University interest will be unduly influenced by a secondary or personal interest. Kentucky State University employees are obligated to avoid or disclose actual ethical, legal, financial, or other conflicts of interest involving the University, and recuse themselves when decision-making related to University responsibilities could be influenced by a conflict of interest.

Kentucky State University will exercise oversight and care in eliminating or managing conflicts of interest that do or may arise because of an individual's personal interest in activities related to their institutional responsibilities. The University will not accept or enter into agreements, contracts, gifts, or purchases that give rise to a conflict of interest unless the conflict can be eliminated or appropriately managed through administrative oversight to protect the interests of the individual and the University.

The following activities are examples of situations that may raise questions regarding an apparent or real conflict of interest. **The enumerated examples below not all inclusive.**

1. Undue personal gain from University funds or resources;
  - a. Excessive or unauthorized use of University time or resources for professional, and charitable, or community activities;
2. Exploitation of students for private gain;
3. Compromise of University priorities due to personal financial considerations;
4. Unfair access by an outside party to Kentucky State University programs, services information, or technology.
5. Selection of an entity as a University vendor by an individual who has a personal or economic interest in that entity; this includes engaging a relative as an independent contractor, subcontractor, or consultant; or
6. Acceptance of a gift or favor from an Entity (or representative of an Entity)



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conducting (or seeking to conduct) business with Kentucky State University, when a Kentucky State University employee is in a position to influence or inform decision making relative to engaging the Entity on behalf of Kentucky State University.

## **C. Conflict of Interest – Consensual Relationships**

The University strongly urges those in positions of authority not to engage in conduct of an amorous or sexual nature with a person (including student) they are, or are likely in the future to be, in a position of evaluating. The existence of a power difference may restrict the less powerful individual's freedom to participate willingly in the relationship. If one of the parties is in an apparently welcomed amorous or sexual relationship must evaluate the performance of the other person, the person within the position of power must report the relationship to that person's supervisor so that suitable arrangements can be made for an objective evaluation of the other party to the relationship by an objective third party.

## **RELATED PROCEDURES:**

### Disclosure Requirements

Upon hire and on an annual basis, employees must provide information on the nature and extent of their Outside Professional Activities and Financial Interests related to their Institutional responsibilities. This occurs by disclosure is made using the Conflict of Commitment and Interest Disclosure Form. If the employee indicated on the Disclosure form that the employee is engaging in Outside Professional Activities, the employee will need to seek the appropriate approvals noted on that form.

University officials may request more, but not less, information specified in this Policy and/or in the disclosure form in order to evaluate whether a Conflict of Interest or Commitment exists. Final approval of the Outside Professional Activity Form resides with the Office of Human Resources.

## **DEFINITIONS:**

- A. **Conflict of Commitment:** a situation where an individual engages in outside activities, either paid or unpaid, that interferes with the individual's primary professional obligation and commitment to Kentucky State University.
- B. **Conflict of Interest:** a situation in which an individual's financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, the individual's professional judgment in exercising any Kentucky State University duty or responsibility.
- C. **Entity:** any business, company, or other organization, including (but not limited to)



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any partnership, corporation, limited liability corporation, unincorporated association, or other institution or organization, whether for-profit or not-for-profit.

- D. **Institutional Responsibilities:** responsibilities expected and performed on behalf of Kentucky State University for which a Faculty or Staff member is employed and compensated by Kentucky State University.
- E. **Outside Professional Activity:** any paid or volunteer activity undertaken by a Staff or Faculty member outside the scope of one's employment at Kentucky State University. Outside Professional Activities may include consulting, participation in civic or charitable organizations, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in one's University occupation or another.
- F. **University Official:** Persons holding a supervisory position.

## **RELATED FORMS:**

Conflict of Commitment and Interest Disclosure Form

Outside Professional Activity Form

## **2. Entities Affected**

- Human Resources
- Board of Regents

## **3. Policy Owner/Interpreting Authority**

- Board of Regents

## **4. Related Policies**

## **5. Statutory or Regulatory References**